IN THE HIGH COURT OF JUDICATURE OF
ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MRS. JUSTICE T.MEENA KUMARI
AND
THE HON'BLE MR. JUSTICE G.CHANDRAIAH

WRIT PETITION NO. 15057 OF 2007

Dated : July 17, 2007

Between:

The State of Andhra Pradesh,
Rep. By its Principal Secretary,
Social Welfare Department,
Secretariat, Hyderabad and others

Petitioner

AND

S.Venkat Redy

Respondent

THE HON'BLE MRS. JUSTICE T.MEENA KUMARI
AND
THE HON'BLE MR. JUSTICE G.CHANDRAIAH

WRIT PETITION NO. 15057 OF 2007

ORAL ORDER: **(per THE HON'BLE MRS. JUSTICE T.MEENA KUMARI)**

This writ petition is filed seeking a writ of certiorari calling for the records relating to the order dated 9.03.2007 made in O.A. No.5757 of 2005 by the A.P. Administrative Tribunal, Hyderabad, and to quash the same as illegal and arbitrary.

The respondent herein filed the above O.A. assailing the proceedings No. 1-3/9960/2005 dated 20.8.2005 and consequential proceedings, as illegal and arbitrary and consequently to reinstate the respondent herein with all consequential benefits. Before the Tribunal, it was the case of the respondent that he was recruited as Warden Grade – II by the 3rd respondent and on 10.7.1994 and he was placed under suspension in view of charges framed against him. On 26.12.1994, a charge Memo was issued to the respondent containing seven charges. The respondent has requested the 3rd petitioner, vide his representation dated 28.1.1995, to supply list of witnesses and copies of the documents relied upon for framing the charges so as to enable him to submit his defence statement, but no documents were furnished to him. But however, the respondent submitted his defence statement on 6.7.1995 to the 3rd petitioner. Thereafter, the Enquiry

Officer summoned the respondent before him on 12.7.1995 and after questioning, without conducting any enquiry by examining the witnesses or marking any document and affording an opportunity to cross examine the witnesses, submitted a report, basing on which, dismissal order came to be passed on 3.7.1996. It is the case of the respondent that since the appeal and revision preferred by the respondent did not fructify, he filed the application before the Tribunal.

The petitioners herein contested the OA. It is their case before the Tribunal that the Enquiry Officer appointed under Rule 20 of the A.P.C.S. (CC & A) Rules, 1991, held that all the seven charges framed against the respondent were proved.

The Tribunal, having heard the learned counsel for the parties and on scrutiny of the material available on record, allowed the O.A. by order dated 09.03.2007 setting aside the charge memo as well as the consequential proceedings and leaving it open to the petitioners to proceed against the respondent in accordance with rules, if so desired.

Aggrieved thereby, the Department – petitioners preferred this Writ Petition.

Heard Mr. A. Rajashekar Reddy, Assistant Solicitor General of India, appearing for the petitioners and Mr. Pratap Narayan Sanghi, learned counsel for the respondent and perused the material available on record.

It is apt to refer to Rule 20(4) of the A.P.C.S. (CC & A) Rules, 1991, which mandates that the disciplinary authority shall deliver or cause to be delivered the Government servant a copy of the articles of charges, the statement of the imputations of misconduct or misbehaviour and a list of documents and witnesses by which each article of charges is proposed to be sustained and shall require the Government servant to submit, within such time as may be specified, a written statement of his defence and to state whether he desires to be heard in person.

It is the contention of the learned counsel for the respondent that the petitioners having framed as many as seven charges, failed to supply the copies of documents and list of witnesses, as mandated under Rule 20(4) of the A.P.C.S. (CC & A) Rules, even though the respondent specifically requested for the same.

Admittedly, the counter filed by the petitioners before the Tribunal is conspicuously silent in this regard. It is also

not in dispute that under the nomenclature of *enquiry*, the Enquiry Officer has called the respondent on 12.7.1995 and verbally enquired the respondent and submitted a report, which is basis for passing the impugned proceedings Rc. No. A3/80/94-1 dated 3.7.1996, dismissing the respondent from service. The Tribunal, correlating the facts of the instant case with Rule 20(4) of the A.P.C.S. (CC & A) Rules, 1991, in our considered view has rightly allowed the O.A. leaving it open to the petitioners to proceed against the respondent in accordance with Rules.

Having heard the learned Assistant Solicitor General having perused the records and Rule 20(4) of the A.P.C.S. (CC & A) Rules, 1991 in particular, we are of the considered view that the Tribunal is perfectly justified in allowing the O.A. Nothing is made out to suggest that the Tribunal has wrong. Therefore, having regard to the facts and circumstances, we find no illegality or irregularity in the order passed by the Tribunal warranting interference. Consequently, the writ petition is dismissed, being devoid of merits. No order as to costs.

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T.MEENA KUMARI, J.

G.CHANDRAIAH, J.

July 17, 2007
MAS